

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

Civil No. 3:16-md-2738-FLW-LHG

MDL Docket No. 2738

This Document Relates To:

Plaintiff Cheryl Cannon

Civil Action No. 3:18-cv-16529

NOTICE OF FILING

Notice is hereby that Plaintiff Cheryl Cannon filed her “Notice by the Above Referenced Plaintiff of Revocation of Automatic Waiver of *Lexecon* Rights” on October 16, 2020, Civil Action No. 3:18-cv-16529, Dkt. No. 14.

As discussed in the October 16, 2020 filing, Plaintiff has been selected for inclusion in the “Selected Case” group as that term has been defined by the Court in its Order entered on May 15, 2020 (ECF 13317) (“Order”), and after that selection, was then selected as a “Discovery Pool” case as that term is defined by the Order. Pursuant to the Paragraph 3 of the Order, each Plaintiff in the Selected Case group is deemed to waive that Plaintiff’s rights under *Lexecon v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998), if that Plaintiff becomes one of the Discovery Pool Cases as defined in the Order, unless the Plaintiff files a statement with the Court stating that the Plaintiff does not wish to waive their *Lexecon* rights, within thirty (30) days from the date of selection as a Discovery Pool Case. The Order further provides that if the case is not selected as a Discovery Pool Case, the waiver will be deemed null and void.

In that Plaintiff has been selected as a Discovery Pool case, thereby causing an automatic waiver of Plaintiff's *Lexecon* rights subject to revocation, Plaintiff has elected to revoke the automatic waiver of Plaintiff's rights under *Lexecon* pursuant to the right to do so under the terms of the Court's Order.

Plaintiff understands that by this revocation of the automatic waiver of *Lexecon* that the Order provided for, Plaintiff's case shall be removed from the Discovery Pool of cases, that discovery in the case will be stayed and that the case will not be eligible to be tried as a bellwether case in this MDL proceeding.

COHEN & MALAD, LLP

/s/Jonathan A. Knoll

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CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties on the electronic filing receipt. Parties may access this filing through the Court's system.

COHEN & MALAD, LLP

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